

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:10-CR-298

Hon. Robert J. Jonker

MATTHEW MICHAEL KOSLA

\_\_\_\_\_  
Defendant(s).

**GOVERNMENT'S**  
**INITIAL PRETRIAL CONFERENCE**  
**SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements [Rule 16(a)(1)(A)]

[ ] There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

[✓] There are the following written records of oral statements:

8/12/10, 8/16/10, 9/10/10

\_\_\_\_\_  
the substance of which

[ ] has been disclosed to defense counsel.

[✓] will be disclosed to defense counsel by Initial Pretrial Conference.

2. Written or Recorded Statements [Rule 16(a)(1)(B)]

[ ] There are no written or recorded statements or grand jury testimony of defendant.

[✓] There are the following written or recorded statements or grand jury testimony:

Handwritten statements - 8/12/10, 9/10/10

\_\_\_\_\_  
All written or recorded statements

[ ] have been disclosed to defense counsel.

[✓] will be disclosed to defense counsel by Initial Pretrial Conference.

B. Defendant's Prior Record [Rule 16(a)(1)(D)]

- ☒ The Government has made due inquiry and is not aware of any prior criminal record.
- ☐ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects [Rule 16(a)(1)(E)]

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Controlled Substances: \_\_\_\_\_
  - ☐ Drug Paraphernalia \_\_\_\_\_
  - ☐ Records: \_\_\_\_\_
  - ☐ Drug Records \_\_\_\_\_
  - ☐ Firearms: \_\_\_\_\_
  - ☐ Inventory (attached) \_\_\_\_\_
  - ☒ Other: Stolen mail, opened bait package, photographs \_\_\_\_\_
- ☐ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns: N/A
- ☐ State
  - ☐ Federal:

Case no. _____	Re: _____
Case no. _____	Re: _____
Case no. _____	Re: _____
- ☒ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with AUSA Nils R. Kessler
- 

D. Reports of Examinations and Tests [Rule 16(a)(1)(F)]

- ☒ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☐ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis
  - ☐ Handwriting
  - ☐ Fingerprints
  - ☐ DNA
  - ☐ Firearms/Nexus
  - ☐ Gun Operability
  - ☐ Computer Forensics
  - ☐ Other: \_\_\_\_\_

E. Reciprocal Discovery

☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

☒ The Government does not presently intend to introduce 404(b) evidence.

☐ The Government does presently intend to introduce the following 404(b) evidence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ The Government will provide pretrial notice of 404(b) evidence by \_\_\_\_\_

\_\_\_\_\_

G. Other Discovery Matters

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. Length of trial excluding jury selection is estimated at 1 day\_\_\_\_\_.

III. MISCELLANEOUS

☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.

☐ The Government is aware of the following potential conflict(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ Government's plea negotiation policy:

No consideration for pleas entered less than 3 weeks prior to trial

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date October 25, 2010

NILS R. KESSLER

Counsel for the United States